

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 160

Introduced by Senator Cedillo

February 8, 2005

An act to amend ~~Section 2571 of the Vehicle Code, relating to vehicles~~ Sections 68130.5 and 76300 of, and to add Section 66021.6 to, the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 160, as amended, Cedillo. ~~Pupil transportation: license fees~~
Student financial aid: eligibility: California Dream Act.

(1) Existing law requires that a person, other than a nonimmigrant alien as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempted from paying nonresident tuition at the California Community Colleges and the California State University.

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

This bill would enact the California Dream Act, which would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and would

request the Regents of the University of California, to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under the provision described above, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law. This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable.

The California Dream Act would also provide that persons meeting these requirements, or who meet equivalent requirements adopted by the Regents of the University of California, are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. The bill would provide, however, that no person would qualify for financial aid under this provision unless and until all persons who meet the criteria of the provision can be provided with financial aid eligibility in a manner consistent with federal law.

(2) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for prescribed fees, at community college campuses throughout the state. Existing law authorizes the waiver of these fees for, among others, students who are eligible under income standards established by the board of governors.

This bill would require that persons who are exempt from nonresident tuition under the provision described in (1) above receive the fee waiver under this provision.

~~Existing law imposes a \$100 fee for an initial schoolbus contractor license and a \$75 fee for each annual renewal.~~

~~This bill would increase those fees to \$150 and \$100, respectively.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2571 of the Vehicle Code is amended to~~
2 ~~read:~~

1 *SECTION 1. (a) The Legislature hereby finds and declares*
2 *all of the following:*

3 *(1) Some students cannot apply for financial aid in the*
4 *traditional manner, through completion of the Free Application*
5 *for Federal Student Aid (FAFSA), because they do not have the*
6 *legal immigration status necessary for federal processing of the*
7 *application.*

8 *(2) Section 66021.6 of the Education Code, as added by*
9 *Section 2 of this act, does not grant these pupils any advantage*
10 *over the student population as a whole in determining who*
11 *qualifies for, or receives, financial aid.*

12 *(3) Increased access to financial aid for all students in*
13 *California's universities and colleges increases the state's*
14 *collective productivity and economic growth.*

15 *(4) Undocumented aliens who are exempt from nonresident*
16 *tuition pursuant to Section 68130.5 of the Education Code are in*
17 *a unique situation due to their residency status, and therefore*
18 *they require increased attention so they may fulfill their*
19 *academic goals.*

20 *(b) It is, therefore, the intent of the Legislature to address these*
21 *issues by enacting the California Dream Act.*

22 *SEC. 2. This act shall be known and may be cited as the*
23 *California Dream Act.*

24 *SEC. 3. Section 66021.6 is added to the Education Code, to*
25 *read:*

26 *66021.6. Notwithstanding any other provision of law, the*
27 *Trustees of the California State University and the Board of*
28 *Governors of the California Community Colleges shall, and the*
29 *Regents of the University of California are requested to,*
30 *establish procedures and forms that enable persons who are*
31 *exempt from paying nonresident tuition under Section 68130.5,*
32 *or who meet equivalent requirements adopted by the regents, to*
33 *apply for, and participate in, all student aid programs*
34 *administered by these segments to the full extent permitted by*
35 *federal law.*

36 *SEC. 4. Section 68130.5 of the Education Code is amended to*
37 *read:*

38 *68130.5. Notwithstanding any other provision of law:*

39 *(a) A student, other than a nonimmigrant alien within the*
40 *meaning of paragraph (15) of subsection (a) of Section 1101 of*

1 Title 8 of the United States Code, who meets all of the following
2 requirements shall be exempt from paying nonresident tuition at
3 the California State University and the California Community
4 Colleges:

5 (1) High school attendance in California for three or more
6 years.

7 (2) Graduation from a California high school or attainment of
8 the equivalent thereof.

9 (3) Registration as an entering student at, or current enrollment
10 at, an accredited institution of higher education in California not
11 earlier than the fall semester or quarter of the 2001–02 academic
12 year.

13 (4) In the case of a person without lawful immigration status,
14 the filing of an affidavit with the institution of higher education
15 stating that the student has filed an application to legalize his or
16 her immigration status, or will file an application as soon as he or
17 she is eligible to do so.

18 (b) A student exempt from nonresident tuition under this
19 section may be reported by a community college district as a
20 full-time equivalent student for apportionment purposes.

21 (c) The Board of Governors of the California Community
22 Colleges and the Trustees of the California State University shall
23 prescribe rules and regulations for the implementation of this
24 section.

25 (d) Student information obtained in the implementation of this
26 section is confidential.

27 (e) *(1) A person who meets the requirements of this section,*
28 *or who meets equivalent requirements adopted by the Regents of*
29 *the University of California, is eligible to apply for, and*
30 *participate in, any student financial aid program administered by*
31 *the State of California to the full extent permitted by federal law.*

32 *(2) Notwithstanding paragraph (1), no person shall qualify for*
33 *financial aid under this section unless and until all persons who*
34 *meet the criteria of this section can be provided with financial*
35 *aid eligibility in a manner consistent with federal law.*

36 SEC. 5. Section 76300 of the Education Code is amended to
37 read:

38 76300. (a) The governing board of each community college
39 district shall charge each student a fee pursuant to this section.

1 (b) (1) The fee prescribed by this section shall be eighteen
2 dollars (\$18) per unit per semester, effective with the fall term of
3 the 2003–04 academic year.

4 (2) Notwithstanding paragraph (1), the fee prescribed by this
5 section shall be twenty-six dollars (\$26) per unit per semester,
6 effective with the fall term of the 2004–05 academic year.

7 (3) The chancellor shall proportionately adjust the amount of
8 the fee for term lengths based upon a quarter system and also
9 shall proportionately adjust the amount of the fee for summer
10 sessions, intersessions, and other short-term courses. In making
11 these adjustments, the chancellor may round the per unit fee and
12 the per term or per session fee to the nearest dollar.

13 (c) For the purposes of computing apportionments to
14 community college districts pursuant to Section 84750, the
15 chancellor shall subtract, from the total revenue owed to each
16 district, 98 percent of the revenues received by districts from
17 charging a fee pursuant to this section.

18 (d) The chancellor shall reduce apportionments by up to 10
19 percent to any district that does not collect the fees prescribed by
20 this section.

21 (e) The fee requirement does not apply to any of the
22 following:

23 (1) Students enrolled in the noncredit courses designated by
24 Section 84757.

25 (2) California State University or University of California
26 students enrolled in remedial classes provided by a community
27 college district on a campus of the University of California or a
28 campus of the California State University, for whom the district
29 claims an attendance apportionment pursuant to an agreement
30 between the district and the California State University or the
31 University of California.

32 (3) Students enrolled in credit contract education courses
33 pursuant to Section 78021, if the entire cost of the course,
34 including administrative costs, is paid by the public or private
35 agency, corporation, or association with which the district is
36 contracting and if these students are not included in the
37 calculation of the full-time equivalent students (FTES) of that
38 district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) The governing board of a community college district also shall waive the fee requirements of this section for any student who demonstrates eligibility according to income standards established by the board of governors ~~and contained in Section 58620 of Title 5 of the California Code of Regulations.~~

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. "Active service of the state," for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following apply:

1 (1) The dependent was a resident of California on September
2 11, 2001.

3 (2) The individual killed in the attacks was a resident of
4 California on September 11, 2001.

5 (k) A determination of whether a person is a resident of
6 California on September 11, 2001, for purposes of subdivision (j)
7 shall be based on the criteria set forth in Chapter 1 (commencing
8 with Section 68000) of Part 41 for determining nonresident and
9 resident tuition.

10 (l) (1) "Dependent," for purposes of subdivision (j), is a
11 person who, because of his or her relationship to an individual
12 killed as a result of injuries sustained during the terrorist attacks
13 of September 11, 2001, qualifies for compensation under the
14 federal September 11th Victim Compensation Fund of 2001
15 (Title IV (commencing with Section 401) of Public Law 107-42).

16 (2) A dependent who is the surviving spouse of an individual
17 killed in terrorist attacks of September 11, 2001, is entitled to the
18 waivers provided in this section until January 1, 2013.

19 (3) A dependent who is the surviving child, natural or adopted,
20 of an individual killed in the terrorist attacks of September 11,
21 2001, is entitled to the waivers under subdivision (j) until that
22 person attains the age of 30 years.

23 (4) A dependent of an individual killed in the terrorist attacks
24 of September 11, 2001, who is determined to be eligible by the
25 California Victim Compensation and Government Claims Board,
26 is also entitled to the waivers provided in this section until
27 January 1, 2013.

28 (m) (1) It is the intent of the Legislature that sufficient funds
29 be provided to support the provision of a fee waiver for every
30 student who demonstrates eligibility pursuant to subdivisions (g)
31 to (j), inclusive.

32 (2) From funds provided in the annual Budget Act, the board
33 of governors shall allocate to community college districts,
34 pursuant to this subdivision, an amount equal to 2 percent of the
35 fees waived pursuant to subdivisions (g) to (j), inclusive. From
36 funds provided in the annual Budget Act, the board of governors
37 shall allocate to community college districts, pursuant to this
38 subdivision, an amount equal to ninety-one cents (\$0.91) per
39 credit unit waived pursuant to subdivisions (g) to (j), inclusive,
40 for determination of financial need and delivery of student

1 financial aid services, on the basis of the number of students for
2 whom fees are waived. Funds allocated to a community college
3 district for determination of financial need and delivery of
4 student financial aid services shall supplement, and shall not
5 supplant, the level of funds allocated for the administration of
6 student financial aid programs during the 1992–93 fiscal year.

7 *(n) A person who is exempt from paying nonresident tuition*
8 *under Section 68130.5, and who otherwise qualifies for a waiver*
9 *under this section, shall receive the waiver. The Legislature finds*
10 *and declares that this subdivision is a state law within the*
11 *meaning of subsection (d) of Section 1621 of Title 8 of the United*
12 *States Code.*

13 *(o) The board of governors shall adopt regulations*
14 *implementing this section.*

15 ~~2571. A private schoolbus contractor who contracts with a~~
16 ~~school district for the transportation of school pupils shall be~~
17 ~~licensed in accordance with regulations adopted by the~~
18 ~~commissioner. The license fee is one hundred fifty dollars (\$150)~~
19 ~~for an initial license and one hundred dollars (\$100) for each~~
20 ~~annual renewal.~~